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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,069	08/26/2003	Neelima Atluri	NAI001	3378
28848	7590	07/07/2004	EXAMINER SILBERMANN, JOANNE	
TOPE-MCKAY & ASSOCIATES 23852 PACIFIC COAST HIGHWAY #311 MALIBU, CA 90265			ART UNIT 3611	PAPER NUMBER

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,069

Applicant(s)

ATLURI

Examiner

Joanne Silbermann

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because trademarks and tradenames should not be used. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 1, 2, 5, 6 and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Schutten, US #6,575,297.

4. Schutten discloses an illustrative drug card comprising illustrative portion 32 and visually aided instruction 14. The display is foldable. Illustrative portion 32 includes a pouch for medication (Figure 1). Symbols (AM, PM) indicate when medication is to be administered. Figure 2 shows where symbols regarding what food to administer with the medication may be recorded. Allergies and contact information are also included (Figure 1).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 7, 12 and 14-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Schutten.

7. Schutten does not specifically teach a picture of the medication, however, this is considered to be an equivalent alternative. It would have been obvious to one of ordinary skill in the art to show a picture of the medication instead of a sample as an alternate way of portraying the medication.

8. Schutten does not particularly teach the symbols or drug interactions as being shown, however, this is considered to be a matter of design choice. It would have been obvious to one of ordinary skill in the art to display whatever information is deemed necessary for the patient. Also, patentable novelty cannot be principally predicated on

mere printed matter and arrangements thereof, but must reside basically in physical structure. The device of Schutten shows a medical information guide. The specific words or symbols used thereon cannot be relied on for patentability.

9. Claims 3, 23-30 and 32-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutten as applied to claim 1 above, and further in view of Stern, US #4,310,978.

10. Schutten does not teach the card as being magnetic, however, this is well known in the art of cards. Stern teaches an information card including a magnetic layer (Figure 4). It would have been obvious to one of ordinary skill to utilize a magnetic layer in the device of Schutten so that the card may be displayed on a magnetic surface where it may be more easily seen.

11. Claims 13 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutten as applied to claim 1 above, and further in view of Will, US #4,593,819.

12. Schutten does not teach the use of Braille, however, this is well known in the art. Will teaches a medical chart having Braille thereon (Figure 2). It would have been obvious to one of ordinary skill in the art to utilize Braille on the device of Schutten so that visually impaired patients may use the card.

13. Claims 31 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutten as applied to claim 1 above, and further in view of Stern and Will.

14. It would have been obvious to one of ordinary skill to utilize Braille on the magnetic card for the same reasons as described above.

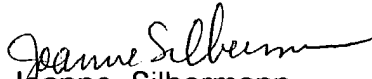
Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 6349491, 5621990, 5487566, 5759043, 5261702, 4972657, 5393100 and 5431450 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tues. - Thurs. 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Joanne Silbermann
Primary Examiner
Art Unit 3611

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